

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

The discussion granted by Examiner Estremsky on July 2, 2008 is hereby acknowledged and is sincerely appreciated. During such discussion, it was concluded that the amendments made to the claims in the Amendment filed June 18, 2008 appear to more clearly define over the prior art applied against the claims in the Office Action of March 18, 2008 and, more particularly, the teachings and disclosures of Stelljes and Kang. Upon a further review of the prior art including a further review of Japanese Utility Model Registration No. 49-2703 during the discussion, the Examiner suggested that additional amendments be made to the claims to further define over this reference. Accordingly, submitted herewith are additional amendments which are believed to more clearly patentably define over such reference as well as the remaining references of record. An additional reference discussed during the discussion held with the Examiner was U.S. Patent 1,590,400 to Widmer which shows a fastener but which requires a bridge or fastener ring 9 which extends towards an exterior of the bag 10, unlike the present invention which presently claims in Claim 11 an engaging ring being directed towards an interior portion of the bag, as was suggested by the Examiner to be added to Claim 11 to more clearly define over Widmer.

Considering then the rejection of Claims 11, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Stelljes in view of Kang as well as the teachings and disclosures of Japanese Utility Model Registration JP49-2703-01 (hereinafter JP '703), it is to be noted that Claim 11 has been amended so as to claim the fact that the holding member comprises a one piece holding member having a portion thereof extending therefrom, the engaging ring being mounted on the extended portion of the holding member so as to be spaced from an edge

portion of the lid. Claim 11 also claims the fact that the holding member is connected exclusively to the lid portion of the bag in proximity with the latch mechanism.

It is respectfully submitted that each of the above-noted limitations have no corresponding teaching or disclosure in JP '703 or any of the remaining references of record. More particularly, the English translation of JP '703 indicates at page 2, paragraph 3 – Detailed Description of the Device that a purpose of the device disclosed therein is to prevent the flap from being curled or the like such that only one retainer device placed at the center can perform a closing action of the flap perfectly as well as obtain a good appearance and a reduced manufacturing cost owing to a simplified surface configuration of the bag body.

Accordingly, as discussed at page 3, line 23 through page 4, line 7 of this reference:

The present device is directed to the use of the briefcase as stated above, in which the reinforcing rigid piece 9 having an adequate width and the entire length of the inside of the edge of the flap 4, thereby achieving to keep the edge and in complete shape, such that mounting the single retainer device 8, 11 at the center eliminates [the] requirement of fitting means to be used for the other sections, resulting in saving of steps and members to be required therefor. Consequently, reduction of the manufacturing costs and obtaining a practical effect such as making good appearance and an easily handling owing to the elimination of the complex fitting members on the surface can be realized.

In view of the foregoing, it can be appreciated that JP '703 requires, as illustrated in Figures 1 and 2 thereof, that the reinforcing rod 9 extends along the entire length of the inside portion of the edge of the flap 4, unlike the holding member 17 of the present application which is connected exclusively to the lid portion of the bag in proximity with the latch mechanism.

As can also be appreciated from a review of Figure 3 of JP '703, the holding member shown in this reference requires the combination of the reinforcing rod 9, a clasp 11 having a latch ring formed at an end thereof, and a reinforcing member 12 which is required to be applied to the back surface of the clasp as mentioned at page 3, lines 20 and 21 of the

translation of the JP '703 reference. As can thus be appreciated, such structure does not teach a one piece holding member as presently claimed, in particular a one piece holding member having a portion thereof extending therefrom such that an engaging ring is mounted on the extended portion of the holding member so as to be spaced from an edge portion of the lid as presently claimed and as illustrated in Figure 1 of the present application. To the contrary, the latch 10 shown in JP '703 is positioned so as to contact an edge portion of the flap 4 and is not spaced therefrom as presently claimed.

As previously noted, Widmer only teaches a latch member 9 directed away from the bag 10 which is clearly different from the engaging ring being directed towards an interior portion of the bag as presently claimed. In addition, Widmer fails to rectify the above-noted deficiencies of JP '703 and does not teach any of the limitations mentioned above which have now been added to Claim 11.

Applicants further note that new Claims 21-23 have been added to further define over the above-noted references. In this regard, it is noted that none of the above-noted references teach the fact that, upon locking of the engaging ring with the latch mechanism, the holding member and the lid portion are positioned in a same plane as the latch mechanism so as to aligned therewith, which is clearly the case upon locking of the engaging piece within the latch mechanism as illustrated in Figures 1 and 2 of the present application. This feature clearly is not met by JP '703 which instead requires an overlap of the flap 4 over the front surface 2 of the bag when in a locked position such that the holding member and lid portion thereof are not located in the same plane as the latch mechanism, as now claimed in Claim 21.

Claims 22 and 23 further define, respectively, the limitations of Claims 11 and 21 by claiming that, as clearly illustrated in Figure 1 of the present application, the width dimension of the extended portion of the holding member is substantially equal to a width dimension of

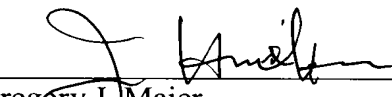
the latch mechanism. This permits alignment of the holding member and the latch mechanism upon locking and to permit alignment of edge portions of the holding member with an edge portion of the latch mechanism when locked so as to be aligned in substantially the same plane as mentioned in Claim 21. This clearly differs from the teachings in the disclosure of JP '703 as well as each of the remaining references of record.

In view of the foregoing, it is submitted that the limitations now added to Claim 11 and the limitations in Claims 21-23 find full support in the application as originally filed and in the elected embodiment in accordance with the present invention. In addition, in view of the foregoing discussion in support of the patentability of such claims, it is submitted that such claims, including dependent Claims 18 and 19, contain limitations having no corresponding teaching or disclosure in the above-noted references or any of the remaining references of record. Accordingly, favorable reconsideration of this application is believed to be in order and the same is hereby respectfully requested.

As also noted during the discussion, the Examiner is invited to contact Applicants' attorney to suggest any Examiner's amendment believed to be necessary to help place the application in condition for allowance or if the Examiner has any questions with regard to the Supplemental Amendment now filed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599

James D. Hamilton
Registration No. 28,421
Attorneys of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)
JDH/rac